

Entered - 04/22/04 - sb
CL - 04L0266 LISA CARTER

04-R -0966

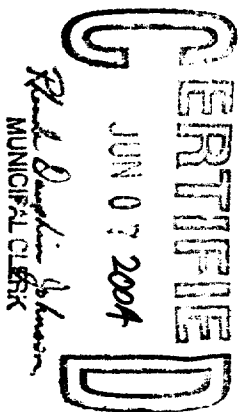
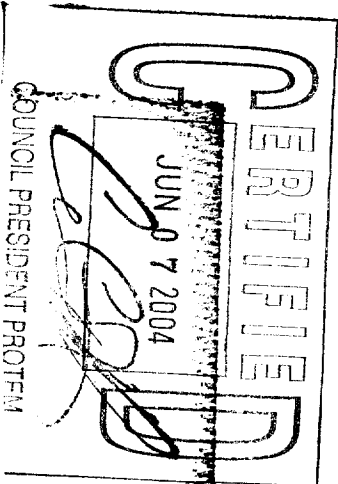
CLAIM OF: STATE FARM INSURANCE COMPANY,
as subrogee of Norris Harper. Sr.
11350 Johns Creek Parkway
Duluth, Georgia 30098-0001

For damages alleged to have been sustained as a result of striking
an uncovered manhole on February 28, 2004 at 2733 Memorial
Drive, SE.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE 6/1/04

CHAR

C. T. Martin

W. S. Smith

Carla Smith

James M. Smith

Clara M. Smith



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

June 11, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

State Farm Insurance Company
as subrogee of Norris Harper, Sr.
Claim Processor, Team B
11350 Johns Creek Parkway
Duluth, GA 30098-001

04-R-0966

Dear Madam/Sir:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 07, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0266

Date: May 18, 2004

Claimant /Victim STATE FARM INSURANCE COMPANIES as subrogee of Norris Harper, Sr.
BY: (Atty) (Ins. Co.) _____
Address: 11350 Johns Creek Parkway Duluth, Georgia 30098-0001
Subrogation: X Claim for Property damage \$ 5,539.44 Bodily Injury \$ _____
Date of Notice: 04/20/04 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/28/04 Place: 2733 Memorial Drive, SE
Department Watershed Management Bureau: _____ Division: Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged as a result of striking an uncovered manhole at 2733 Memorial Drive, SE. However, the city was not on notice of the existence of the problem prior to the incident involving the claimant. Furthermore, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

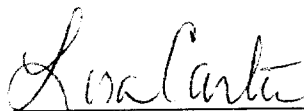
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

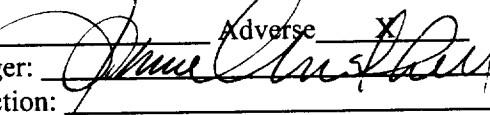
Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 05/19/04
Committee Action: _____ Council Action _____

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S)1-17, EXCEPT: 04-R-1017
04-O-0932 04-O-0933 04-R-0986
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 1
ABSENT 1

E Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
B Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

		6-07-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-0802 2. 04-O-0803 3. 04-O-0804 4. 04-O-0877 5. 04-O-0930 6. 04-O-0924 7. 04-O-0929 8. 04-O-0787 9. 04-O-0654 10. 04-O-0655 11. 04-O-0817 12. 04-O-0818 13. 04-O-0819 14. 04-O-0820 15. 04-O-0939 16. 04-R-1002 17. 04-R-1003 18. 04-R-1004 19. 04-R-1005 20. 04-R-1010 21. 04-R-1011 22. 04-R-1012 23. 04-R-1015 24. 04-R-0935 25. 04-R-1008 26. 04-R-1000 27. 04-R-1001 28. 04-R-0942 29. 04-R-0927 30. 04-R-0943 31. 04-R-1019 32. 04-R-0635 33. 04-R-0989 34. 04-R-0991 35. 04-R-0993 36. 04-R-0814 37. 04-R-0926 38. 04-R-0994 39. 04-R-0995 40. 04-R-0996 41. 04-R-0997 42. 04-R-0998	43. 04-R-1023 44. 04-R-1024 45. 04-R-1025 46. 04-R-0979 47. 04-R-0980 48. 04-R-0981 49. 04-R-0982 50. 04-R-0983 51. 04-R-0984 52. 04-R-0985 ITEMS ADVERSED ON CONSENT 53. 04-R-0944 54. 04-R-0945 55. 04-R-0946 56. 04-R-0947 57. 04-R-0948 58. 04-R-0949 59. 04-R-0950 60. 04-R-0951 61. 04-R-0952 62. 04-R-0953 63. 04-R-0954 64. 04-R-0955 65. 04-R-0956 66. 04-R-0957 67. 04-R-0958 68. 04-R-0959 69. 04-R-0960 70. 04-R-0962 71. 04-R-0963 72. 04-R-0964 73. 04-R-0965 74. 04-R-0966 75. 04-R-0967 76. 04-R-0968 77. 04-R-0969 78. 04-R-0970 79. 04-R-0971 80. 04-R-0972 81. 04-R-0973 82. 04-R-0974	83. 04-R-0975 84. 04-R-0976 85. 04-R-0977 86. 04-R-0978